

MOTION BY SUPERVISORS YAROSLAVSKY AND ANTONOVICH

October 21, 2008

The apparent cause of the Sesnon Fire, which erupted on the morning of October 13, was a downed power line owned by the Southern California Gas Company.

Transmission lines that come under the jurisdiction of the California Public Utilities Commission (CPUC) are governed by brush clearance requirements and are subject to inspections by that body. However, transmission lines that belong to non-electric utilities located on private land, such as the Gas Company's line on Oat Mountain, are not regulated by the CPUC and so are not subject to the same kind of strict clearance and inspection requirements.

Local governments are pre-empted from legislating brush clearance requirements in connection with transmission lines that come under the CPUC's jurisdiction, but they are not precluded from imposing such requirements around power poles and lines that do not come under the CPUC's jurisdiction.

Most of the wild land fires in Los Angeles County start in wilderness areas that are in its unincorporated areas. Public safety in these areas would be advanced if the County's fire code were amended to require brush clearance around power poles and transmission lines that do not come under the State's jurisdiction, sufficient to mitigate a

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fire hazard in a high wind event such as the Santa Ana wind conditions that prevailed on October 13.

Additionally, following the fall, 2007 California wildfires the CPUC began an investigation of power lines and their association with the cause of the 2007 Malibu Canyon Fire. The report of this investigation has never been made public. Also in 2007, the San Diego Gas & Electric Company filed a petition with the CPUC seeking a rulemaking regarding disaster preparedness and management of overhead lines, including specifically the possibility of improving the design of overhead lines in wildland areas and potential funding for undergrounding of such lines.

WE, THEREFORE, MOVE that the County Counsel, in conjunction with the County Fire Department, be directed to draft an amendment to the County's fire code that would require brush clearance around any electric power pole or transmission line under the County's jurisdiction, sufficient to mitigate any fire hazard. The code should specify the dimensions of such brush clearance and should provide for an appropriate frequency of inspection with appropriate fees to cover the cost; and

WE FURTHER MOVE that the California Public Utilities Commission (CPUC) be requested to expeditiously complete and publicize its year-long investigation of the 2007 Malibu Canyon Fire; and

WE FURTHER MOVE that County Counsel and the CEO be directed to report to the Board within two weeks on the outcome of the petition to establish a rulemaking regarding disaster preparedness and management of overhead power lines filed by San Diego Gas & Electric Company following the 2007 fires.